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STATE FOR SA/INS
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TAGS: [PGOV](#) [PHUM](#) [MV](#)

SUBJECT: MIXED MESSAGES FROM MALDIVES: GOVERNMENT MOVES
AHEAD WITH OPPOSITION TRIAL, JUDICIAL REFORM

REF: A. COLOMBO 1881

[1](#)B. COLOMBO 1878

[1](#)C. COLOMBO 1824

[1](#)D. COLOMBO 1716

Classified By: AMB. JEFFREY J. LUNSTEAD. REASON: 1.4 (B,D).

SUMMARY

[1](#)1. (C) During a November 9-11 visit by polcouns and Sri Lanka/Maldives Desk Officer Molly Gower to Maldives, discussions with government and opposition figures revealed a now-familiar mix of signs of progress--if intermittent and faltering--toward democratic reform, along with some disturbing indications that the road ahead may continue to be bumpy and marked by frequent detours. Polcouns and Desk Officer visited opposition activists Jennifer Latheef in prison and Mohamed Nasheed under house arrest; both appeared to be in good health and spirits and expressed optimism that their cases would be dropped. Foreign Minister Ahmed Shaheed expressed his personal view that the Maldivian government should revise its Middle East policy and consider giving Israel diplomatic recognition. End summary.

PAY NO ATTENTION TO THE MAN UNDER HOUSE ARREST;
JUDICIAL REFORM PROCEEDING

[1](#)2. (C) During a November 9-11 visit by polcouns and Sri Lanka/Maldives Desk Officer Molly Gower to Maldives, discussions revealed a government intent on rectifying its bruised image after international criticism of the harsh 10-year sentence levied against Jennifer Latheef, the daughter of an opposition figure (Ref C), and the ongoing terrorism trial of Mohamed Nasheed, another opposition leader now under house arrest. In particular, Government of Republic of Maldives (GORM) interlocutors seemed stung by a report issued September 28 by a delegation from the UK Bar Association indicting the Maldivian judicial system for serious deficiencies. They complained that international misunderstanding of the peculiar Maldivian justice system--and the "draconian" laws that mandate heavy prison sentences for seemingly minor offenses--had skewed perceptions of cases against Latheef and Nasheed as being politically motivated. GORM officials with whom polcouns and Gower met insisted that the reform process remains on track--if delayed in pulling into the station--and cited a new initiative to increase the independence of the judiciary as proof of President Maumoon Abdul Gayoom's good intentions.

[1](#)3. (SBU) In a November 9 meeting in Male', Foreign Minister Dr. Ahmed Shaheed emphasized that the government realizes that the need for reform is more urgent than ever now that people are experiencing post-tsunami economic distress. "We are at a crossroads," he declared; the time for mere cosmetic change is over. Since the general public, as well as politicians themselves, are not well informed about rights and responsibilities in a democratic system, Shaheed observed, voter education is a priority for the GORM. Lamenting that the "official channels" for instituting reform had not proven effective (i.e., the Special Majlis), Shaheed indicated that the GORM is seeking unofficial fora for dialogue "out of the media focus" with other parties on all proposed amendments to the Constitution. The first topic up for multi-partisan dialogue: a proposed Political Parties bill drafted with input from the Commonwealth and UNDP. (Note: The opposition Maldivian Democratic Party, or MDP, reportedly attended the first sessions on the draft bill but walked out of the third. Meaningful debate on a proposed political parties bill without the participation of the largest political party may be difficult to achieve.) Other important legislative initiatives the Foreign Minister cited include a proposed Media Freedom bill and a draft police powers act now before the People's Majlis for ratification.

[1](#)4. (SBU) In separate meetings, Foreign Minister Shaheed, Justice Minister Dr. Mohamed Jameel Ahmed and Government

Spokesman Mohamed Shareef each highlighted the upcoming announcement of an independent Judicial Services Commission as an important reform. (Note: The Government subsequently announced the establishment of the Commission on November 12.) The Commission, whose members are appointed by the President, will have authority over all matters related to the hiring, firing, transfer and salary of judges. In addition, the Commission will function as an ombudsman for the judiciary, according to Shareef, with a mandate to "look into" judges' conduct and safety. Shareef stressed the formation of the Commission as an important first step into the separation of the judiciary from the executive, a process which he predicted would take one year to conclude.

15. (C) Shaheed, Shareef and Jameel each lambasted the September 28 statement by Sir Ivan Lawrence, a senior human rights lawyer and Queen's Counsel who led a UK barristers' fact-finding delegation to Maldives at the end of September, as factually inaccurate and biased. (Note: Sir Ivan came at the invitation of the MDP but spoke with government representatives, including the Justice Minister and Attorney General, while in Maldives. Many of his recommendations dealt with the upcoming--and politically sensitive--trial of MDP leader Mohamed Nasheed.) "We recognize the shortcomings and deficiencies" in the judicial system, Jameel said, but complained that "everyone wants to discredit the (reform) process." Limited human resources impose their own constraints, he noted; Maldives' lack of adequately trained judges and lawyers is not a problem that can be solved instantaneously. In an effort to remedy this deficiency, the GORM has sent 18 students to study law in Malaysia, he reported. When asked for GORM views of other recommendations in the UK barristers' report, e.g., that an independent Commonwealth judge preside over Nasheed's trial, GORM interlocutors indicated that the Attorney General was still weighing these and other suggestions offered by Sir Ivan.

DISSIDENT VIEWS OF THE REFORM PROCESS
FROM AN ISLAND PRISON AND HOUSE ARREST

16. (C) On November 10 polcouns and Desk Officer visited Jennifer Latheef, who was sentenced on October 18 to 10 years in prison on Maafushi Island (Ref B). Although officials from the Foreign and Home Ministries accompanied polcouns and Desk Officer on the boat ride out to the island, they did not sit in on the meeting with Latheef, which was conducted in privacy. Latheef, whose father is MDP Spokesman Mohamed Latheef, reiterated that the prosecution had not presented convincing evidence at her trial to support the charge that she had incited violent demonstrations in Male' in August 2003. (Like us, she had been told the government had videotaped evidence implicating her, but she said she never saw the much-cited videotape and it was never presented in court.) She reported no mistreatment while on Maafushi and said that she had adequate food and medical care and had been given access to reading and writing materials. Her family can send her supplemental food and medicine, she reported, but the goods must be on an "approved" list prepared by the Department of Corrections. She shares dormitory-like accommodations with six other female inmates convicted of narcotics offenses. Latheef says she, like other prisoners on the island, is permitted one three-hour visit from her family per month and two telephone calls per month. She is contemplating filing an appeal, but wondered rhetorically what good it would serve, if the judicial system remained so heavily influenced by Gayoom. Her greatest complaint was the lack of recreational facilities (male inmates have access to a gym; prison authorities said they plan to set up a badminton net for the women, who have only a small yard in which to exercise) and meaningful rehabilitation for her fellow inmates (all of whom, according to Latheef, are heroin addicts--a habit they keep up in prison). She seemed in good health and in reasonably good spirits.

17. (C) Polcouns and Desk Officer also visited Mohamed Nasheed, who is under house arrest, later the same evening. (Nasheed, whose trial began on October 27, was transferred to house arrest in Male' on November 1. His lawyer has asked for a 90-day adjournment to prepare his defense; the judge has not yet ruled on that request.) Nasheed was upbeat about prospects for the MDP, which is preparing to hold a party congress to select new leadership in December, noting that a pro-Gayoom MP had just "crossed over" to join MDP's ranks. In addition, former MDP supporter-turned-Finance Minister Qasim Ibrahim is "not happy" with his government post and has been "sending out feelers" about a possible reunion with the opposition, Nasheed claimed. MDP grass-roots organization of island branches is proceeding apace, he reported, adding, in a triumphant aside, that Gayoom's rival DRP (translated as the Maldivian People's Democratic Party) had no similar network. The MDP had been holding council meetings in Nasheed's home until that was banned the previous week, he

said, adding that the current terms of his house arrest do not allow him to receive visitors, except for his attorney. (Comment: This ban appears to be somewhat laxly enforced. Nasheed had another visitor the same time that polcouns and Gower showed up. Nasheed acknowledged he continues to receive regular visits from party faithful despite the ban.)

18. (C) "A lot has happened over the past two years" to promote democracy, Nasheed observed (for once sounding uncharacteristically like his GORM counterparts). That said, he brushed away any discussion of preparation for his trial, saying, "I don't expect justice." What he does seem to expect, however, is that the charges against him will end up being dropped. He reported receiving several calls from the Attorney General suggesting that they "talk," which he believes indicates the GORM is seeking to make a deal with him. He continues to deny ever making any violent threats against the government or President Gayoom.

HUMAN RIGHTS COMMISSION:
NEW HEAD TO BE APPOINTED

19. (SBU) The Maldivian Human Rights Commission (MHRC) has been basically non-functional since the August 18 resignation of its head Dr. Ahmed Mujuthaba over disagreement about the contents of the draft bill establishing the Commission. Another two commissioners resigned after Mujuthaba, and the Commission has not met--or conducted any prison visits--since August. Government Spokesman Shareef said President Gayoom was faced with a "conundrum" when the Majlis refused to accept key parts of the bill that would have made it compliant with UN principles. Since the President had called for the formation of the MHRC, Shareef reasoned, how could he hold up the bill that formally establishes it? As a compromise, the President decided to let the bill be ratified by the Majlis and then invite the MHRC to draft the first amendment to it. The appointment of a new MHRC head, former Commission member Dr. Ahmed Saleem, will be announced November 24, Shareef reported.

REFORMING FOREIGN POLICY?

110. (C) At the end of his meeting, Foreign Minister Shaheed mentioned casually that it was his personal view that the GORM should revisit its policy on the Middle East in an effort "to be more balanced and open." He said he was even contemplating the possibility of extending diplomatic recognition to Israel, but cautioned that he had not taken up the question with the President.

COMMENT

11. (C) Maldives is a small country, and international opinion reverberates loudly there. The international criticism the GORM earned by sentencing Jennifer Latheef to 10 years in prison on questionable charges, as well as its detention of Mohamed Nasheed on apparently equally tenuous grounds, is an obvious sore point. Whether it hurts enough to convince the GORM to review its dubious cases against the detained activists remains a key question. For now, the GORM seems to be hoping that a few well-spaced initiatives from time to time, like sandwiching the announcement of the Judicial Services Commission between the Latheef sentencing and the Nasheed trial, will appease the international community while allowing Gayoom to proceed with reform on his terms and at his own pace. We need to let the GORM know we will continue to applaud genuine reform efforts in Maldives when we see them (and the Judicial Services Commission seems like a step in the right direction), but will nonetheless press for improvements where we see deficiencies--as in the Latheef trial and sentencing. In particular, we should keep up the pressure to ensure Nasheed an impartial trial. We have not heard Shaheed's views on possibly changing policy toward Israel and the Middle East expressed by anyone else in the Government, but would be surprised if his seemingly casual reference were as unscripted as he implied. Shaheed works closely with Gayoom, and the comment could reflect a matter under active consideration by the President. The Government's decision to support the Holocaust Resolution (Ref A) may offer a similar indication of current thinking. (Note: At the behest of the Israeli Ambassador to Sri Lanka, resident in New Delhi, Ambassador has raised previously with the Maldivian MFA the possibility of establishing informal Maldives/Israel contacts. Ambassador will follow up on Shaheed's comments during his next visit to Maldives. End note.)
LUNSTEAD